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7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 GIL CROSTHWAITE, et al. as Trustees of the
12 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
13 CALIFORNIA, et al.,

14 Plaintiffs,

15 v.

16 LAND TECHNOLOGY, INC. et al.,

17 Defendants.

Case No.: C07-5321 TEH

**REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Date: February 4, 2008

Time: 1:30 p.m.

Judge: Honorable Thelton E. Henderson

18 The parties hereby request continuance of the Case Management Conference currently set
19 for February 4, 2008 at 1:30 p.m. before the Honorable Thelton E. Henderson, as follows:
20

21 1. Plaintiffs brought this action to compel an audit of defendants' records to determine
22 compliance with their Collective Bargaining Agreement, as to proper reporting to Plaintiff Trust
23 Funds.

24 2. Defendants thereafter scheduled the audit (as requested in the Complaint) with the
25 Trust Funds' auditors.

26 3. An audit report was recently issued and sent to Defendants, to review and respond,
27 or pay amounts found due. Defendants did not respond or pay, but Plaintiffs are now advised that
28

1 Defendants may make a proposal for resolution in lieu of a Motion for Summary Judgment being
2 filed by Plaintiffs.

3 4. The parties therefore request that the Case Management Conference be continued
4 for approximately 60 days to allow for negotiations between them to be finalized, or in the
5 alternative for Plaintiffs to bring their Motion for Summary Judgment.
6

7 Dated: January 28, 2008

SALTZMAN AND JOHNSON
LAW CORPORATION

9 By: _____/s/_____

10 Muriel B. Kaplan
11 Attorneys for Plaintiffs

12 GIANELLI & ASSOCIATES

13
14 By:  _____

15 David C. Johnston

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17 IT IS SO ORDERED.

18 The currently set Case Management Conference is hereby continued to
19 Monday, April 14, 2008 at 1:30 PM, and all previously set deadlines and
20 dates related to this case are vacated, to be reset at that Conference.

21 Date: 01/30/08

22 _____ United States District Court Judge

